

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 483

Case No. 85-5C

September 8, 1986

(Mayfair House - PUD and Map)

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on October 17 and 21, November 7, and December 2, 1985. At those hearing sessions the Zoning Commission considered an application from ESP Associates Limited Partnership, Atlantic Garage, Inc. and Irwin P. Edlavitch for consolidated review and approval of a Planned Unit Development (PUD), and related map amendment, pursuant to Sections 7501 and 9101 of the Zoning Regulations of the District of Columbia. Pursuant to the applicant's request, a rehearing on the application was held on June 12, 1986. The public hearing was conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The application, which was filed April 12, 1985, requested consolidated review and approval of a PUD and related change of zoning from R-5-D to C-3-C for Lots 44, 69, 57-59, 827-829, 851, 859 and 864-868 in Square 73,
2. The applicants, ESP Associates Limited Partnership Atlantic Garage, Inc. and Irwin P. Edlavitch originally proposed to construct a mix-use high-rise building containing hotel and residential uses.
3. The applicants subsequently proposed to construct an apartment building containing first floor commercial uses, and ten floors of residential units, with an underground parking garage.
4. The R-5-D District permits matter-of-right general residential uses of high density development, including single-family dwellings, flats, and apartments to a maximum height of ninety feet, a maximum floor area ratio (FAR) of 6.0 for apartment houses and 5.0 for other structures and a maximum lot occupancy of seventy-five percent,

5. The C-3-C District permits matter-of-right major business and employment centers of medium/high density development, including office, retail, housing, and mixed uses to a maximum height of ninety feet, a maximum floor area ratio (FAR) of 6.5 for residential and other permitted uses, and a maximum lot occupancy of one hundred percent.
6. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to impose development conditions, guidelines, and standards which may exceed or be lesser than the matter-of-right standards. The Commission may also approve uses that are permitted as a special exception by the BZA.
7. The PUD site is located on the south side of the 2100 block of L Street, N.W., midway between 21st and 22nd Streets, N.W. Square 73 is bounded by L, K, 21st and 22nd Streets, N.W. The site consists of approximately 19,308 square feet of land.
8. The existing site is developed with an auto body repair shop, as surface parking lot, some unimproved land and two vacant rowhouses.
9. The zoning pattern in the area of the PUD site includes C-3-C zoning to the immediate east, southeast, and south and R-5-D to the immediate north, west and southwest.
10. The PUD site is located in an area which contains general land uses including institutional (George Washington University and Columbia Hospital for Women), office building, apartments, hotels and single-family uses with a wide range of densities and heights. It is situated between a high density residential/mixed use corridor along New Hampshire Avenue and the Central Employment Area..
- 1.1. The subject site is in a mixed use area, for high-density residential and medium-density commercial development, according to the Land Use Element of the Comprehensive Plan,
12. The Applicants' original proposal, at the initial four hearing sessions, was to develop a mixed-use hotel and apartment project containing 229 hotel guest rooms and 40 apartments, with a common lobby on the ground floor. A triangular central atrium was to extend the full ten stories of the building, providing natural light to the interior. Guest rooms and apartments would have opened into the corridor overlooking the atrium. The ground floor lobby would have contained a 120-seat restaurant and bar (accessible from the lobby and directly from L

Street), five guest rooms, four small meeting rooms, a small exercise facility, hotel administrative functions and fire control room. The second through eighth floors were to contain 224 hotel guest rooms. The ninth and tenth floors were to each contain seven one-bedroom units and 13 efficiency apartments. Access to the two residential floors was to be restricted by electronically-controlled elevators. The proposal was to be built to a height of 97 feet 8 inches, a maximum FAR of 6.94, and a maximum lot coverage of 73.3 percent. The building was to contain 133,998 square feet of countable gross floor area. The original development proposal called for parking for not less than 108 cars in a three level underground garage,

13. Advisory Neighborhood Commission 2A, (ANC 2A), by resolution dated October 11, 1985, opposed rezoning of the PUD site to permit hotel use, because: there were numerous hotels currently located in the area; a reduction of new residential development would occur; hotels attract buses, and no off-street parking exists for buses; and traffic congestion would increase on L Street.
14. At the rehearing session of June 12, 1986, the applicants modified their PUD application to propose an 11-story apartment building containing up to 160 apartments and a ground floor of commercial retail uses. The modified proposal is for a building with a maximum height of 110 feet, a FAR of 6.96, and a maximum lot coverage of 65 percent. The building would contain 134,470 square feet of countable gross floor area and 171,860 feet of total gross floor area.
15. ANC 2A stated its support of the applicant's modified development proposal, but was concerned because: approval of a zone change to C-3-C would set a bad precedent; construction of a six-foot high wall should be built along the southwest property line, for the security of the rowhouse owner adjacent to the site; and there should be a Memorandum of Agreement and a Covenant between the applicant and ANC-2A, to ensure that the solutions to these problems are documented and binding.
16. Current favorable economic conditions, primarily low interest rates, have enabled the applicants to propose a sound development project, with a significant residential component. The ground level floor of mixed commercial and non-residential uses is beneficial, and will help ensure the project's economic viability.
17. The modified development proposal is compatible with

existing surrounding land use, and is appropriate for the site. The PUD site is located at the intersection of high-density commercial and residential uses. The height and bulk of the building will be compatible with the scale and density of neighboring structures. The facade of the building will span the full L Street frontage, and only 65 percent of the site will be covered.

18. The proposed parking will be sufficient to serve the development, given the proximity of the site to public transportation and the fact that the apartments are all to be one-bedroom units. An abundance of commercial parking exists in the vicinity of the PUD site.
19. The proposed widening of the public alley to the east of the site would provide ease of access to both the parking garage and loading/delivery/service areas,
20. The proposed apartment units would meet a portion of the housing demand, in the District generally, and the neighborhood particularly.
21. The Declaration of Covenants and Memorandum of Agreement with ANC 2A, which the applicant has drafted and will execute, provides sufficient protection from potential use of the site for transient uses and related development problems, as recommended by the ANC 2A, in its support of the modified proposal.
22. The modified application for the PUD and the related map change are consistent with the goals and elements of the Comprehensive Plan for land use; housing; environmental protection; transportation and urban design.
23. The modified proposal would be adequately served by available water and sewer services,
24. As conditioned by this order, the loading, trash, and parking configurations would have no adverse impact on the site or neighborhood,
25. The proposed project will not have an adverse effect on existing public recreation facilities; current or anticipated police operations; or neighborhood school operations.
26. The Commission is in accord with Advisory Neighborhood Commission 2A, as set out in Findings No. 15 and 21, except the Commission is not persuaded that the change in zoning to C-3-C will establish a bad precedent. That is, the Commission has found that the land use pattern and zone districts in the area of the PUD site, as well as the Comprehensive Plan, reasonably support C-3-C zoning for the site. Therefore, the Commission does not accept the argument that a map change in these

circumstances would somehow lead the way to an unreasonable map change in some future case,

27. The Commission finds that the major issue on which this case turns is whether the applicants have satisfied the criteria of Section 7501 for consideration as a PUD:
 - a. the subject application meets Section 7501.11 and 7501.12 of the Zoning Regulations;
 - b. there are sufficient amenities in the application, above and beyond that which can be obtained as a matter of right under current zoning;
 - c. widening a public alley by two and one-half feet will effectively accommodate the use of the alley by cars, small trucks, or other service vehicles;
 - d. the architectural design; open and closed courtyards, and roof-top recreation space represent significant public amenities above and beyond that which can be obtained under the Zoning Regulations;
 - e. the housing component of the modified application is a significant public amenity, will substantially add to the District's overall housing stock over a Long period of time, and will do so in an area where housing is Lost and needed.
28. The proposed action of the Zoning Commission to approve the application with conditions, was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self Government and Governmental Reorganization Act. The NCPC, by report dated September 4, 1985, found that the proposed action of the Zoning Commission would not adversely affect the Federal Establishment or other Federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital,

CONCLUSIONS OF LAW

1. The development of this PUD and change in zoning carry out the purposes of Article 75 to encourage well-planned mixed use developments which offer a variety of buildrng types with more attractive and efficient overall planning and design not achievable under matter-of-right development.
2. The approval of this PUD application is not inconsistent with the purposes of the Zoning Act,

3. The approval of this application will promote substantial housing stock for the long term: and orderly development in conformity with the District of Columbia plans, as embodied in the Zoning Regulations and Map of the District of Columbia.
4. The PUD application provides adequate and sufficient superior "... urban design ... desired public spaces and other amenities" for approval under the provisions of Article 75 of the Zoning Regulations.
5. The C-3-C Zone is appropriate for the PUD site,
6. The modified application before the Commission can be approved, as it ensures that development would not have an adverse affect on the site or the surrounding community,
7. The applicant has met the burden of proof necessary to sustain the approval of said application of the PUD process pursuant to Paragraphs 7501.11 and 7501.12 of the Zoning Regulations.
8. The Zoning Commission has accorded ANC 2A the "great weigh-t " to which it is entitled.

DECISION

In consideration of the foregoing findings of fact and conclusions of law, the Zoning Commission for the District of Columbia hereby orders that this application for consolidated review and approval of a PUD for lots 44, 69, 57-59, 827-829, 851, 859 and 864-868 in Square 73 on the south side of the 2100 block of L Street, N.W. be APPROVED.

This approved PUD is subject to the following conditions, guidelines, and standards, which shall be as follows:

1. The planned unit development shall be developed in accordance with the plans prepared by the architectural firm of CWK Architects and Planners, marked as Exhibit No. 102(b) of the record, as modified by the guidelines, conditions, and standards of this order.
2. The planned unit development shall consist of one building containing residential and commercial uses, including the following:
 - a. Floors 2 through 11 will contain up to 160 unfurnished apartments as set forth in Exhibit No, 102(b), Sheet 3. There shall be no more than sixteen apartments on any floor; and

- b. The first floor shall contain the apartment lobby and mailroom, restaurant and lounge, a meeting room, a party room, an exercise facility, and commercial and retail uses, as shown on Exhibit No. 102(b), Sheet 2. The meeting room and party room shall be solely for the use of building residents and their guests. Access to the restaurant is permitted from both the lobby of the building and from L Street. The restaurant shall not offer room service to the apartment residents. This does not prohibit the restaurant from operating a "Carry-Out" service for its patrons.
3. The floor area ratio for the building shall not exceed 6.97.
4. The height of the project shall not exceed 110 feet, except that a mechanical penthouse, not to exceed 18.5 feet in height, shall be located on the roof. Antennas may be located on the building roof, pursuant to the regulations in effect at the time that the antennas are to be installed,
5. Roof-top recreation space shall be provided as shown on Exhibit No. 102(b), Sheet 4; for exclusive use by the tenants and their guests.
6. The lot occupancy of the project shall not exceed 65 percent,
7. A closed courtyard garden shall be located in the rear of the building at the west end of the site, as shown on Exhibit No. 102(b), Sheet 2 of the record, Access to the courtyard garden shall be prohibited to restaurant patrons, residents, and the general public, It will be accessible only for maintenance.
8. A landscaped open courtyard will be provided in front of the building and shall highlight the main entrance, as marked on Exhibit No. 102(b), Sheet 2 in this case.
9. The applicant shall provide an on-site resident manager.
10. The applicant shall grant an easement to the District of Columbia to widen the public alley at the eastern edge of the PUD site from 15 feet to 17.5 feet.
11. Parking spaces shall be provided on two levels in an underground garage, as indicated in Exhibit No. 102(b), Sheets 5 and 6. Not less than 66 on-site parking spaces shall be provided, A bike stand shall be

provided, Parking for vans shall not be provided in the garage,


12. Loading functions, driveways, walkways, and service areas shall be located on the site, as shown on Exhibit No. 102(b), Sheet 2 of the record. Two loading berths shall be provided; one measuring 12 by 20 feet, the other measuring 12 by 55 feet.
13. The trash dumpster shall be located closer to the building than shown on Exhibit No. 102(b). The dumpster shall be housed in a three-sided brick enclosure equal in height to the dumpster or six feet, whichever is greater. The entrance to the enclosure shall include an opaque gate.
14. Streetscape plantings and shrubbery shall be located as shown on Exhibit No. 102(b), Sheet 2A of the record.
15. A free-standing masonry arch shall not exist on the PUD site,
16. A six foot brick wall shall be constructed adjacent to the western edge of the site, as marked on Exhibit No. 102(b), Sheet 2 of the record.
17. Exterior signage for the commercial/retail uses and the restaurant shall be provided in the manner shown in Exhibit No. 102(b), Sheet 7. The lighting of signs shall be backlit and self-illuminated as shown on Exhibit No. 102(b), Sheet 7,
18. No hotel uses or activity of any kind, either open or covert, shall be conducted or permitted on the site, and no portion of the development shall be converted to any such use or activity.
19. The change of zoning from R-5-D to C-3-C for the PUD site, shall be effective upon recordation of a covenant as required by Sub-section 7501.8 of the Zoning Regulations.
20. No building permit shall be issued for this planned unit development until the applicants have recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, and satisfactory to the Office of the Corporation Counsel and the Zoning Regulations Division, which covenant shall bind the applicants and successors in title to construct on and use this property in accordance with the Order, or amendments thereof, of the Zoning Commission.


21. When the covenant is recorded, the applicants shall file a certified copy of that covenant with the records of the Zoning Commission.
22. The planned unit development approved by the Zoning Commission shall be valid for a period of two years from the effective date of this Order. Within such time, application must be filed for building permit, as specified in Paragraph 7501.81 of the Zoning Regulations. Construction shall start within three years of the effective date of this order,

Vote of the Commission taken at the public meeting on July 14, 1986: 4-O (John G. Parsons, Maybelle T. Bennett and Patricia N. Mathews to approve with conditions and Lindsley Williams to approve by absentee vote - George M. White, not voting, not present).

This order was adopted by the Commission at the public meeting on September 8, 1986 by a vote of 4-O (John G. Parsons, Maybelle T. Bennett, Lindsley Williams, and Patricia N. Mathews, to adopt as amended - George M. White, not voting not having participated in the case.,

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective upon publication in the D.C. Register, specifically on 26 SEP 1986.


PATRICIA N. MATHEWS
Chairperson
Zoning Commission


EDWARD L. CURRY
Acting Executive Director
Zoning Secretariat

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